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15 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

16 **-OOO-**

17 **UNITED STATES OF AMERICA,**
18 Plaintiff,

19 **vs.**

20 **RAMON DESAGE,**
21 aka, "RAMON ABI-RACHED,"
22 aka, "RAYMOND ANTOINE ABI-
23 RACHED,"

24 **Defendant.**

25 **CASE NO: 2:13-CR-00039-JAD-VCF**

26 **STIPULATION TO CONTINUE**
BRIEFING SCHEDULE ON TAX LOSS
(FIRST REQUEST)

27 **ECF No. 318**

28 It is hereby stipulated and agreed, by and between Nicholas A. Trutanich, United
29 States Attorney, through Patrick Burns, Assistant United States Attorney, and Richard
30 Wright, Esq., and George Kelesis, Esq., counsel for Defendant Ramon Desage, that the
31 schedule for the parties' briefing on tax loss, be reset so that the government's opening brief
32 is due on March 29, 2019, Defendant Desage's response brief is due on April 12, 2019, and
33 the government's reply is due on April 19, 2019.

34 This Stipulation is entered into for the following reasons:

35 1. On February 5, 2019, after the evidentiary hearing in this matter and deciding
36 a subsequent motion, the Court set a briefing schedule on the tax loss to be used in sentencing

1 Defendant Desage. The government's opening brief regarding tax loss is currently due on
2 February 15, 2019; Desage's response brief is currently due on February 25, 2019, and the
3 government's reply brief is currently due on March 4, 2019.

4 2. Counsel for the government is currently preparing for a March 11, 2019 trial in
5 *United States v. Douglas Haig*, 2:18-cr-00256-JCM-VCF, which is a prosecution arising out of
6 the October 1, 2017, Route 91 festival shooting. Briefing on a dispositive motion in that case
7 currently requires the government to file a substantive response brief on February 14, 2019,
8 the day before the government's tax loss brief would be due in this case. The government
9 intends to file additional motions on its own behalf in that case on or about that same date.
10 Trial preparation for the case is extensive and involves preparation of numerous exhibits and
11 witnesses, including expert witnesses in various disciplines and subject matters. Trial is
12 anticipated to run approximately two weeks, thus counsel for the government requests an
13 opportunity to prepare its tax loss brief in the latter part of March. Counsel for the government
14 is the lead and primary trial attorney in the *Haig* case.

15 3. Counsel for the government's receipt of the transcript of the second portion of
16 the evidentiary hearing appears to have been delayed by the government shutdown, and
17 counsel is not yet in possession of the transcript. Counsel for the government is the sole and
18 primary attorney assigned to this case

19 4. Counsel for Desage, Mr. Wright, has limited availability in March due to
20 necessary personal reasons and his other counsel, Mr. Kelesis, has a preplanned international
21 absence from the jurisdiction during most of the month.

22 5. In order to provide the Court a meaningful brief that helpfully reconciles the

disparate views of the parties and their experts, a continuation of the briefing schedule appears necessary.

6. The parties are conscious of the Court's admonition against enlargement of the briefing schedule and the need to bring this litigation to a conclusion. This request for a continuation of the briefing is made for good cause, without an intention to unnecessarily delay the proceedings, and with the intention to provide the Court the most meaningful briefing on the tax loss issue.

Dated this 8th day of February, 2019

NICHOLAS A. TRUTANICH
United States Attorney

//s//

//s//

By: RICHARD WRIGHT, ESQ.
GEORGE KELESIS, ESQ.
Counsel for Defendant DESAGE

By: _____
PATRICK BURNS
Assistant United States Attorney

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

-000-

UNITED STATES OF AMERICA,

Plaintiff,

VS.

RAMON DESAGE,
aka, "RAMON ABI-RACHED,"
aka, "RAYMOND ANTOINE ABI-
RACHED,"

Defendant.

CASE NO: 2:13-CR-039-JAD-VCF

FINDINGS OF FACT AND ORDER

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. On February 5, 2019, after the evidentiary hearing in this matter and deciding a subsequent motion, the Court set a briefing schedule on the tax loss to be used in sentencing Defendant Desage. The government's opening brief regarding tax loss is currently due on February 15, 2019; Desage's response brief is currently due on February 25, 2019, and the government's reply brief is currently due on March 4, 2019.

2. Counsel for the government is currently preparing for a March 11, 2019 trial in *United States v. Douglas Haig*, 2:18-cr-00256-JCM-VCF, which is a prosecution arising out of the October 1, 2017, Route 91 festival shooting. Briefing on a dispositive motion in that case currently requires the government to file a substantive response brief on February 14, 2019, the day before the government's tax loss brief would be due in this case. The government

intends to file additional motions on its own behalf in that case on or about that same date. Trial preparation for the case is extensive and involves preparation of numerous exhibits and witnesses, including expert witnesses in various disciplines and subject matters. Trial is anticipated to run approximately two weeks, thus counsel for the government requests an opportunity to prepare its tax loss brief in the latter part of March. Counsel for the government is the lead and primary trial attorney in the *Haig* case.

3. Counsel for the government's receipt of the transcript of the second portion of the evidentiary hearing appears to have been delayed by the government shutdown, and counsel is not yet in possession of the transcript. Counsel for the government is the sole and primary attorney assigned to this case

4. Counsel for Desage, Mr. Wright, has limited availability in March due to necessary personal reasons and Desage's other counsel, Mr. Kelesis, has a prescheduled international absence from the jurisdiction during most of the month.

5. In order to provide the Court a meaningful brief that helpfully reconciles the disparate views of the parties and their experts, a continuation of the briefing schedule appears necessary.

For all of the above-stated reasons, the ends of justice would be served best by a continuance of the briefing schedule.

ORDER

IT IS ORDERED that the deadline for the government to file its opening brief on the tax loss issue in *United States v. Ramon Desage*, 2:13-CR-039-JAD-VCF, is reset to March 29, 2019. The deadline for Defendant Desage to file his response

1 brief is reset to April 12, 2019. And the deadline for the government's
2 reply brief is reset to April 19, 2019.

3 Dated this 12th day of February, 2019

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5 By: 
6 JENNIFER A. DORSEY
7 UNITED STATES DISTRICT COURT JUDGE
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